Proposed Rules

Federal Register
Vol. 60, No. 100
Wednesday, May 24, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 319

[Docket No. 94–114–1]

Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. All of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a U.S. Department of Agriculture inspector. In addition, some of the fruits and vegetables would be required to undergo prescribed treatments for fruit flies or other injurious insects as a condition of entry, or to meet other special conditions. This proposed action would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction and dissemination of injurious plant pests by imported fruits and vegetables.

DATES: Consideration will be given only to comments received on or before June 23, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–114–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–114–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Frank E. Cooper or Mr. Peter Grosser, Senior Operations Officers, Port Operations, PPQ, APHIS, Suite 4A03, 4700 River Road Unit 139, Riverdale, MD 20737–1236; (301) 734–8645.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.56 through 319.56–8 (referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of injurious insects that are new to or not widely distributed within and throughout the United States.

We are proposing to amend the regulations to allow additional fruits and vegetables to be imported into the United States from certain parts of the world under specified conditions. The importation of these fruits and vegetables has been prohibited because of the risk that the fruits and vegetables could introduce injurious insects into the United States. We are proposing to allow these importations at the request of various importers and foreign ministries of agriculture, and after conducting pest risk analyses [1] that indicate the fruits or vegetables can be imported under certain conditions without significant pest risk.

All of the fruits and vegetables included in this document would be subject to the requirements in § 319.56–6 of the regulations. Section 319.56–6 provides, among other things, that all imported fruits and vegetables, as a condition of entry, shall be subject to inspection, disinfection, or both, at the port of first arrival, as may be required by a U.S. Department of Agriculture (USDA) inspector to detect and eliminate plant pests. Section 319.56–6 also provides that any shipment of fruits and vegetables may be refused entry if the shipment is infested with fruit flies or other dangerous plant pests and an inspector determines that it cannot be cleaned by disinfection or treatment.

Some of the fruits and vegetables proposed for importation would be required to undergo prescribed treatments for fruit flies or other insect pests as a condition of entry, or to meet other special conditions. The proposed conditions of entry, which are discussed in greater detail below, appear adequate to prevent the introduction and dissemination of injurious plant pests by the importation of fruits and vegetables from certain foreign countries and localities into the United States.

Subject to Inspection and Treatment Upon Arrival

We are proposing to allow the following fruits and vegetables to be imported into the United States from the country or locality indicated in accordance with § 319.56–6 and all other applicable requirements of the regulations:

Country/Locality	Common name	Botanical name	Plant part(s)
Ecuador	Basil	*Ocimum spp.*	Above ground parts.
El Salvador	Basil	*Ocimum spp.*	Above ground parts.
Israel	Chives	*Allium schoenoprasum*	Leaf.
	Dill.	*Anethum graveolens.*	Above ground parts.
Jamaica	Pak choi	*Brassica chinensis*	Leaf and stem.
Netherlands	Radish	*Raphanus sativus*	Root.
New Zealand	Oca	*Oxalis tuberosa*	Tuber.

[1] Information on these pest risk analyses and any other pest risk analysis referred to in this document may be obtained by writing to the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Pest risk analyses conducted by the Animal and Plant Health Inspection Service (APHIS) have shown that the fruits and vegetables listed above are not attacked by fruit flies or other injurious plant pests, either because they are not hosts to the pests or because the pests are not present in the country or locality of origin. In addition, we have determined that any other injurious plant pests that might be carried by any of the listed fruits or vegetables would be readily detectable by a USDA inspector. Therefore, the provisions in § 319.56–6 concerning inspection, disinfection, or both, at the port of first arrival, appear adequate to prevent the introduction into the United States of injurious plant pests by the importation of these fruits and vegetables.

Subject to Inspection and Treatment Upon Arrival; Additional Conditions

In addition to the fruits and vegetables listed above, we are proposing to allow the following fruits and vegetables to be imported into the United States from the country or locality indicated in accordance with § 319.56–6 and all other applicable requirements of the regulations, and subject to the additional prescribed conditions explained below.

Papaya from Belize. We are proposing to allow papaya (fruit, *Carica papaya*) from Belize to be imported into the United States without treatment for the Mediterranean fruit fly (Medfly) if the fruit is grown in one of the designated Medfly-free districts of Belize. Belize has conducted a national Medfly trapping program for more than 6 years with the cooperation and monitoring of APHIS.[2] An intensive, ongoing trapping program in the districts of Cayo, Corozal, and Orange Walk has established that those districts are free from Medfly. Therefore, we are proposing to allow papayas to be imported from these three districts without treatment for Medfly if the papayas are accompanied by a phytosanitary certificate issued by the Belizean Department of Agriculture stating that the fruit originated in the district of Cayo, Corozal, or Orange Walk.

Because there are approved treatments for Medfly that can be used on papaya, we would also allow papaya grown in Belize outside the Medfly-free areas to be imported into the United States, provided the fruit is treated for Medfly as described below under ''Treatment Required.''

With or without treatment, however, the entry of the papaya into Hawaii—where most domestically grown papayas are produced—would be prohibited as a precaution against the possible introduction of *Toxotrypana curvicauda.* Accordingly, the cartons in which the papaya are packed would have to be stamped ''Not for importation into or distribution in HI.''

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the papaya would be readily detectable by a USDA inspector. Therefore, the provisions in § 319.56 and all other applicable requirements of the regulations and the additional special conditions appear adequate to prevent the introduction into the United States of injurious plant pests by the importation of papaya from Belize.

Cantaloupe from Brazil. We are proposing to allow the importation of cantaloupe (fruit, *Cucumis melo*) from Brazil under the same conditions currently imposed on the importation of honeydew melons from Brazil (7 CFR 319.56–2aa). Cantaloupe, like honeydew melon, is a recorded host of the South American cucurbit fly, and we believe that the multiple safeguards applied to the importation of honeydew melon from Brazil would also be adequate to prevent the introduction of the pest with cantaloupe.

Specifically, the cantaloupe would have to be grown in that area of Brazil considered by APHIS to be free of the South American cucurbit fly. The free area is described in § 319.56–2aa(a). During the last 7 years, Brazil's Ministry of Agriculture, the Departamento de Defenso Sanitaria Vegetal (DDSV), has conducted surveys in and around the free area to establish the absence of infestations of the South American cucurbit fly in the free area. APHIS has determined that the survey methods used by the DDSV are adequate to detect infestations of the pest, and that the requirements enforced by the DDSV to prevent the introduction of the South American cucurbit fly into the free area are at least equivalent to those imposed under 7 CFR chapter III to prevent the introduction into the United States and interstate spread of injurious insects.

The cantaloupe would have to be accompanied by a phytosanitary certificate issued by DDSV that includes a declaration that the fruit was grown in the free area. The cantaloupe would have to be shipped in an enclosed container or vehicle, or under a tarpaulin cover, while in transit from the free area in Brazil to the United States to prevent the fruit from being exposed to insect pests. Finally, shipments of the cantaloupe would have to be labeled in accordance with § 319.56–2(g) of the regulations.

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the cantaloupe would be readily detectable by a USDA inspector. Therefore, the applicable requirements of the regulations and these special conditions appear adequate to prevent the introduction into the United States of injurious plant pests.

Ya Pears from China. We are proposing to allow Ya variety pears (fruit, *Pyrus bretschneideri*) to be imported into the United States from China under certain conditions designed to prevent the introduction of *Bactrocera dorsalis* and other exotic pests into the United States.

First, we would require that the pears be grown in an APHIS-approved export growing area in Hebei Province by growers registered with the Chinese Ministry of Agriculture. The Ministry of Agriculture would be responsible for conducting field inspections for signs of pest infestation during the growing season. The registered growers would be responsible for following the phytosanitary measures agreed upon by APHIS and the Ministry of Agriculture, including applying pesticides to reduce the pest population and bagging the pears on the trees to reduce the opportunity for insect pests to attack the fruit during the growing season. The bags would have to remain on the pears through the harvest and during their movement to the packing house.

In order to prevent Ya pears intended for export to the United States from being commingled with any other fruit, the packing houses in which the pears would be prepared for exportation to the United States could not be used for other fruit during the pear export season. The packing houses could accept only those pears that were grown in the APHIS-approved growing area and that were still in intact bags. Additionally, the pears would have to be loaded into containers at the packing house and the containers then sealed before movement to the port of export to prevent the fruit from being exposed to insect pests while en route to the port of export. Each shipment of Ya pears would have to be accompanied by a phytosanitary certificate issued by the Chinese Ministry of Agriculture stating that the conditions discussed above have been met.

Finally, we would require that the pears be cold treated for *Bactrocera dorsalis* in accordance with the Plant

[2] Details on APHIS-monitored trapping programs in Belize are available from Operational Support, IS, APHIS, Suite 5A03, 4700 River Road Unit 67, Riverdale, MD 20737–1233.

Protection and Quarantine (PPQ) Treatment Manual, which has been incorporated by reference into the Code of Federal Regulations at 7 CFR 300.1. The prescribed cold treatment would be conducted as follows:

10 days at 0 °C (32 °F) or below;
11 days at 0.55 °C (33 °F) or below;
12 days at 1.1 °C (34 °F) or below; or
14 days at 1.66 °C (35 °F) or below.

We believe that the growing, harvest, shipment, and treatment conditions described above and the other requirements of the regulations would be adequate to prevent the introduction of *Bactrocera dorsalis* and other insect pests into the United States on Ya pears imported from China.

Lettuce from Israel. Under the regulations in § 319.56–2x, lettuce may be imported into the United States from Israel only if treated in accordance with the PPQ Treatment Manual. The treatment—fumigation with methyl bromide—is required because the lettuce may be attacked by leafminers, thrips, and *Sminthuris viridis.* We are proposing to amend the regulations to offer an alternative that would allow lettuce to be imported into the United States from Israel without fumigation.

We would require that the lettuce be grown in insect-proof houses covered with 50-gauge mesh screens, with double self-closing doors and hard walks (no soil) between the beds. The lettuce would have to be grown in growing media that had been sterilized by steam or chemical means. Additionally, the crop would have to be protected with sticky traps and prophylactic sprays approved for lettuce by Israel.

The lettuce would have to be inspected for signs of pest infestation during its active growth phase, with the inspection monitored by a representative of the Israeli Ministry of Agriculture.

After being harvested, the lettuce would have to be packed in insect-proof packing houses. The movement from the growing house to the packing house would have to take place at night and, during the movement, the lettuce would have to be held in plastic containers covered by 50-gauge mesh screens. Inside the insect-proof packing houses, the lettuce would have to be individually packed in transparent plastic bags, then packed in cartons; the cartons would have to be placed on pallets and covered in shrink wrapping. The lettuce would have to be transported to the airport in a closed, refrigerated truck for shipment to the United States.

Finally, each shipment of lettuce would have to be accompanied by a phytosanitary certificate issued by the Israeli Ministry of Agriculture stating that the conditions discussed above have been met. We believe that these multiple levels of pest exclusion measures and the other applicable requirements of the regulations would be adequate to prevent the introduction into the United States of leafminers, thrips, and *Sminthuris viridis* on lettuce imported from Israel.

Treatment Required

Additionally, we are proposing to allow the fruits and vegetables listed below to be imported into the United States. These fruits and vegetables are attacked by the Medfly or other injurious insects, as specified below, in their country or locality of origin. Visual inspection cannot be relied upon to detect these insects. However, the fruits and vegetables listed below can be treated to destroy the Medfly or other injurious insects. Therefore, we propose to allow these fruits and vegetables to be imported into the United States, or specified parts of the United States, only if they have been treated in accordance with the PPQ Treatment Manual.

We would revise the PPQ Treatment Manual to show that treatments are required as follows for the fruits and vegetables listed below:

Country—Common Name, Botanical Name, and Plant Part(s)

Belize

Papaya, *Carica papaya,* Fruit.

All fruit grown outside the districts of Cayo, Corozal, and Orange Walk must be treated for Medfly with high-temperature forced air or vapor heat treatment, as follows:

High-temperature forced air treatment:

The treatment consists of four incremental temperature increases, with each increase in air temperature based on when the internal temperature in the seed cavity is reached as indicated below:

Air temperature	Seed cavity temperature
1. 43 ± 1 °C (109.4 ± 1.8 °F).	41 ± 1.5 °C (105.8 ± 2.7 °F).
2. 45 ± 1 °C (113.0 ± 1.8 °F).	44 ± 1 °C (111.2 ± 1.8 °F).
3. 46.5 ± 1 °C (115.7 ± 1.8 °F).	46 ± 0.76 °C (114.8 ± 1.35 °F).
4. 49 ± 0.5 °C (120.2 ± 0.9 °F).	47.2 °C (117 °F).

Expose fruit in an approved chamber to each air temperature in steps 1 through 4 until the indicated seed cavity temperature is reached. Treatment is complete when the seed cavity temperature reaches 47.2 °C (117 °F). The treated fruit may be hydrocooled immediately with tap water (20 ± 5 °C or 68 ± 9 °F) when 47.2 °C is reached.

Alternative single-stage high-temperature forced air treatment:

Conditioning: To enable the papayas to tolerate the treatment, the fruit may have to be conditioned. Such conditioning is the responsibility of the shipper and at the shipper's risk. Conditioning of the fruit may be considered part of the overall treatment.

Preparation: Insert temperature sensors into the seed cavity with the probe's tip at the approximate center of the fruit. Use a temperature recorder to monitor temperatures. Set the print interval for at least once every 5 minutes. The APHIS-approved operating protocol of the chamber must be inaccessible to the operator. The papayas must be in single layers and put into APHIS-approved trays or lugs or in APHIS-approved and certified bulk bins. Have the trays, lugs, or bins put into the chamber. The chamber for treating the fruit must be airtight. Make sure that there are fans present to circulate the air. If certified bulk bins are used, the direction of the air flow and the protocol for monitoring the fruit's temperature during treatment must be APHIS-certified.

Application: The air temperature during treatment must be sufficient to raise the temperature at the fruit's center to 47.2 °C (117 °F) or higher. Whether the air temperatures are single or multiple staged or ramped is the responsibility of the shipper. Maintain the relative humidity in the chamber as desired by the shipper. If the relative humidity is kept within 40 to 60 percent, though, tests have shown that there will be less damage to the papayas. The papayas must be treated for at least 4 hours. The treatment is complete once the temperature at the fruit's center reaches 47.2 °C (117 °F) or higher. The treated papayas may be hydrocooled immediately by whatever means are deemed appropriate by the shipper. However, if the papayas are hydrocooled with water at a temperature lower than 12.5 °C (54.5 °F), the fruit may be damaged.

Vapor heat treatment:

1. Raise temperature of article by saturated water vapor at 44.4 °C (112 °F) until approximate center of fruit reaches 44.4 °C (112 °F) within a time period designated by the inspector.

2. Hold fruit temperature at 44.4 °C (112 °F) for 8.75 hours, then cool immediately.

(Pretreatment conditioning is optional and is the responsibility of the shipper.)

Entry of the papayas into Hawaii prohibited due to *Toxotrypana curvicauda.*

China

Litchi, *Litchi chinensis,* Fruit.

Cold treatment as follows for *Conopomorpha sinensis* and *Bactrocera dorsalis:*

15 days at 1 °C (33.8 °F) or below, or
18 days at 1.39 °C (34.5 °F) or below.

(Pulp of the fruit must be at or below the indicated temperature at the time treatment begins.)

Entry into Florida prohibited due to litchi rust mite.

India Grape,

Vitis spp., Fruit.

Cold treatment for *Bactrocera dorsalis* and *Eutetranychus orientalis,* followed by fumigation for a complex of insect pests:

Cold treatment as follows:

10 days at 0 °C (32 °F) or below;
11 days at 0.55 °C (33 °F) or below;
12 days at 1.11 °C (34 °F) or below; or
14 days at 1.66 °C (35 °F) or below.

(Pulp of the fruit must be at or below the indicated temperature at the time treatment begins.)

Fumigation as follows:

With methyl bromide at NAP—chamber or tarpaulin:

24 g/m³ (1½ lbs/1000 ft³) for 2 hours at 26.5 °C (80 °F) or above, with minimum gas concentrations of:
19 g (19 oz) at ½ hour after fumigation begins
14 g (14 oz) at 2 hours after fumigation begins; or:

32 g/m³ (2 lbs/1000 ft³) for 2 hours at 21–26 °C (70–79 °F), with minimum gas concentrations of:
26 g (26 oz) at ½ hour after fumigation begins
19 g (19 oz) at 2 hours after fumigation begins; or:

40 g/m³ (2½ lbs/1000 ft³) for 2 hours at 15.5–20.5 °C (60–69 °F), with minimum gas concentrations of:
32 g (32 oz) at ½ hour after fumigation begins
24 g (24 oz) at 2 hours after fumigation begins; or:

48 g/m³ (3 lbs/1000 ft³) for 2 hours at 10–15 °C (50–59 °F), with minimum gas concentrations of:
38 g (38 oz) at ½ hour after fumigation begins
29 g (29 oz) at 2 hours after fumigation begins; or:

64 g/m³ (4 lbs/1000 ft³) for 2 hours at 4.5–9.5 °C (40–49 °F), with minimum gas concentrations of:
48 g (48 oz) at ½ hour after fumigation begins
38 g (38 oz) at 2 hours after fumigation begins

(Fruit must be at the indicated temperature at start of fumigation.)

Litchi, *Litchi chinensis,* Fruit.

Cold treatment for *Conopomorpha sinensis* and *Bactrocera dorsalis* as set forth above for litchi from China.

Entry into Florida prohibited due to litchi rust mite.

Zimbabwe

Apricot, *Prunus armeniaca,* Fruit.

Cold treatment for Medfly, *Pterandrus rosa,* and *Cryptophlebia leucotreta* as follows:

22 days at −0.55 °C (31 °F) or below.

(If the temperature exceeds −0.27 °C (31.5 °F), the treatment shall be extended one-third of a day for each day or part of a day that the temperature is above −0.27 °C. If the temperature exceeds 1.11 °C (34 °F) at any time, the treatment is nullified.

Nectarine, *Prunus persica,* Fruit.

Cold treatment for Medfly, *Pterandrus rosa,* and *Cryptophlebia leucotreta* as set forth above for apricot from Zimbabwe.

Peach, *Prunus persica,* Fruit.

Cold treatment for Medfly, *Pterandrus rosa,* and *Cryptophlebia leucotreta* as set forth above for apricot from Zimbabwe.

Plum, *Prunus domestica,* Fruit.

Cold treatment for Medfly, *Pterandrus rosa,* and *Cryptophlebia leucotreta* as set forth above for apricot from Zimbabwe.

The treatments described above have been determined to be effective against the specified insects. This determination is based on research evaluated and approved by the Department. A bibliography and additional information on this research may be obtained from the Hoboken Methods Development Center, PPQ, APHIS, USDA, 209 River Street, Hoboken, NJ 07030.

In accordance with § 319.56–2x(b) of the regulations, those fruits and vegetables listed above that would require treatment for fruit flies would be restricted to ports of arrival at Wilmington, NC, and the North Atlantic if treatment has not been completed before the fruits and vegetables arrive in the United States. Climatic conditions at Wilmington, NC, and at North Atlantic ports are unsuitable for the fruit flies listed above. Therefore, in the unlikely event that any fruit flies escape before treatment, they will not become established pests in the United States. The designated North Atlantic ports are: Atlantic Ocean ports north of, and including, Baltimore; ports on the Great Lakes and St. Lawrence Seaway; Canadian border ports on the North Dakota border and east of North Dakota; and, for air shipments, Washington, DC (including Baltimore-Washington International and Dulles International airports).

In the case of litchi from China and India, we would prohibit the fruit to be imported into or distributed within Florida because of concerns regarding the potential introduction of the litchi rust mite and the effects such an introduction could have on the Florida litchi industry. Accordingly, the cartons in which the litchi are packed would have to be stamped ''Not for importation into or distribution in FL.''

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the fruits and vegetables listed above would be readily detectable by a USDA inspector. As noted, the fruits and vegetables would be subject to inspection, disinfection, or both, at the port of first arrival, in accordance with § 319.56–6. We believe that these requirements and conditions are adequate to prevent the introduction into the United States of injurious plant pests by the importation of these fruits and vegetables.

Use of Methyl Bromide

Methyl bromide is currently in widespread use as a fumigant. It is prescribed as a treatment for grapes from India to be imported into the United States under this proposal. The environmental effects of using methyl bromide, however, are being scrutinized by international, Federal, and State agencies. The U.S. Environmental Protection Agency (EPA), based on its evaluation of data concerning the ozone depletion potential of methyl bromide, published a notice of final rulemaking in the **Federal Register** on December 10, 1993 (58 FR 65018–65082). That rulemaking freezes methyl bromide production at 1991 levels and requires the phasing out of domestic use of methyl bromide by the year 2001. APHIS is studying the effectiveness and environmental acceptability of alternative treatments to prepare for the eventual unavailability of methyl bromide fumigation. Our current proposal assumes the continued availability of methyl bromide for use as a fumigant for at least the next few years.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this proposed rule on small entities. However, we do not currently have all the data necessary for a comprehensive analysis of the effects of this rule on small entities. Therefore, we are inviting comments concerning potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from implementation of this proposed rule.

Under the Plant Quarantine Act and the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee, 150ff, 151–167), the Secretary of Agriculture is authorized to regulate the importation of fruits and vegetables to prevent the introduction of injurious plant pests.

This proposed rule would amend the regulations governing the importation of fruits and vegetables by allowing a number of previously prohibited fruits and vegetables to be imported into the United States from certain foreign countries and localities under specified conditions. The importation of these fruits and vegetables has been prohibited because of the risk that they could introduce injurious plant pests into the United States. This proposed rule would revise the status of certain commodities from certain countries and localities, allowing their importation into the United States for the first time.

Our proposed changes are based on pest risk analyses that were conducted by APHIS at the request of various importers and foreign ministries of agriculture. The pest risk analyses indicate that the fruits or vegetables listed in this proposed rule could, under certain conditions, be imported into the United States without significant pest risk. All of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a USDA inspector. In

addition, some of the fruits and vegetables in this proposal also would be required to undergo mandatory treatment for fruit flies or other injurious insects as a condition of entry, or to meet other special conditions. Our proposed action would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction into the United States of injurious plant pests by imported fruits and vegetables.

Papayas From Belize

The United States produced 71.3 million pounds of papayas in 1993. Papayas are produced commercially on approximately 300 farms, the majority of which are in Hawaii. Nearly 65 percent of those farms are owned by individuals whose major occupation is not farming, while the balance are operated by individuals whose major occupation is farming. All of the farms are considered to be small entities according to Small Business Administration (SBA) size standards.

The United States imported 31.3 million pounds of papayas, valued at $8,883,000, in 1993. Most of the imported papayas came from Mexico (66.6 percent), Jamaica (14.4 percent), and Belize (13.7 percent). The United States exported 16.7 million pounds of fresh papayas, worth $14,245,000, in 1993. The major importers were Japan (73.4 percent) and Canada (24.6 percent). Almost all exports of domestically grown papayas are from Hawaii, while all imports of foreign-origin papayas come into the continental United States.

The total annual production of papayas in Belize is approximately 4.5 million pounds. Its current exports account for about 4.2 million pounds. The additional amount expected to be exported to the United States would be approximately 300,000 pounds of fresh papayas. Even if all the available supply were exported to the United States, it would increase the U.S. supply of papayas by only about 0.34 percent. A 0.34 percent increase in supply is unlikely to have any impact on prices or on producers or consumers.

Cantaloupes From Brazil

The United States produced about 1,910 million pounds of cantaloupes, with a total value of $310 million, in 1993. Cantaloupes are produced commercially on about 7,500 farms, nearly 97 percent of which are considered to be small entities, according to SBA size standards. The United States is a net importer of cantaloupes. Imports totalled approximately 458 million pounds of cantaloupes. The major sources of imported cantaloupes include Mexico (32.8 percent), Honduras (26 percent), Costa Rica (17.5 percent), Guatemala (16 percent), and the Dominican Republic (2.8 percent). There were 116 million pounds of cantaloupes exported from the United States in 1993, of which nearly 95 percent went to Canada, while about 4 percent went to Mexico.

The commercial production of cantaloupe is in the infant stage in Brazil. Most of the Brazilian production is concentrated in the states of Rio Grande do Norte and São Paulo. Production occurs mainly during the months of October through March, while U.S. production occurs during the months of May through September. Thus, any export from Brazil would be supplementary to, rather than competitive with, the U.S. supply. Total production of cantaloupes in Brazil was about 5,000 metric tons, or 11 million pounds, in 1994. Currently all cantaloupe production in Brazil is for domestic consumption. However, even if all Brazilian production were to be exported to the United States, the U.S. cantaloupe supply would increase by less than 0.5 percent. Because this proposed rule would allow the importation of cantaloupe from only part of Brazil—that area considered by APHIS to be free of the South American cucurbit fly—any increase in the U.S. cantaloupe supply would be even smaller. Such an increase would not be expected to impact U.S. producer prices.

Ya Pear From Peoples Republic of China

The United States produced 860,000 metric tons (1,895 million pounds) of pears in 1993. The United States is a net exporter of pears, having exported 244 million pounds and imported 143 million pounds in 1993. Most of the pears imported into the United States came from Chile (57.3 percent), Argentina (30.4 percent), South Africa (6.1 percent), and New Zealand (3.9 percent). The main importers of U.S. pears are Canada (32.9 percent) and Mexico (34.9 percent), with the remaining quantities distributed among 45 destinations. There are approximately 9,800 farms producing pears in the United States, about 98 percent of which are considered to be small entities, according to SBA size standards.

China produced about 30,000 metric tons (or 66 million pounds) of Ya pears in 1993. It exported about 5,700 metric tons (or 12,562,800 pounds). Exports are to several countries in Europe, the Middle East, and Southeast Asia. The Ya pears that would be imported from the Peoples Republic of China are of a different variety than pears produced in the United States; because they are considered to be different products, they are not expected to be competitive with domestically grown pears.

Litchi From Peoples Republic of China

The U.S. produced about 700,000 pounds of Litchi in 1993. There are 205 farms that produced litchi, most of which are considered to be small entities according to SBA criteria.

China produced approximately 27,000 metric tons (or 59.5 million pounds) of litchi in 1994, exporting about 25 percent (about 15 million pounds) of its production. Most of China's litchi exports went to several countries in Western Europe, the Middle East, and Southeast Asia, as well as to Canada. What proportion of China's domestic litchi production would be exported to the United States is not clear. In the event that a significant proportion of China's production is exported to the United States, U.S. producers would most likely be negatively impacted in the short run, since the increased supply would drive the market price of litchi down. U.S. consumers, on the other hand, would benefit from the lower price as well as the increased choice. In the long run, as a result of foreign competition in the U.S. litchi market, more competitive and cost-effective producers may emerge. Lower prices could also result in an increased demand for litchi. Which of these effects would outweigh the other cannot be stated definitely.

Basil From Ecuador and El Salvador

The United States imported 5,397,091 pounds of fresh or dried basil in 1993 (the ratio of fresh to dried cannot be ascertained). The major sources of import were Egypt (77.7 percent), Mexico (16.1 percent), France (2.2 percent), and Taiwan (1.2 percent). No information was obtained on potential production and imports of basil from Ecuador and El Salvador.

Grapes From India

Total domestic grape production in 1993 was 5,466,606 metric tons (or 12,048 million pounds). There are approximately 21,843 producers of grapes in the United States, about 97 percent of which are considered to be small entities, according to SBA size standards. The United States imported 708,712,000 pounds of grapes in 1993, with most imports occurring between the months of December and April. Grape imports to the United States

originate mainly from Chile, which accounted for 88.6 percent of the imports. Mexico is a distant second with 11 percent of the imports. The United States exported 449,331,000 pounds of grapes in 1993, with most exports occurring between the months of August and November. Canada receives approximately 62 percent of U.S. exports, while the remaining destinations are highly varied.

At present, India produces about 426,000 (1990–1992 average) metric tons (or 939 million pounds) of grapes and exports approximately 4,000 metric tons (or 8.8 million pounds). Most of these exports go to Europe. In the unlikely event that India's grape exports were all directed to the United States, they would represent less than 0.08 percent of domestic production. This amount would not have a significant impact upon U.S. market supply. Both producer prices and consumer prices would likely be unaffected by the actual grape import from India.

Pak Choi From Jamaica

There is no published data on the U.S. production of pak choi and no record of trade. Jamaica's current production of pak choi is estimated to be 3,825 metric tons (8.43 million pounds). Most production takes place between January and April. Although the exact amount that would be shipped to the United States is not known, approximately 50–75 percent of total production is expected to be exported to the United States. This is expected to expand the variety of choices available to vegetable consumers.

Chives from Israel

Israel produces approximately 100 metric tons of chives. Production takes place mainly from October to the end of March. Currently about 95 percent of production is exported to Europe. It is expected about 20 to 40 metric tons to be exported to the United States. Both producer prices and consumer prices would likely be unaffected by the importation of chives from Israel.

Dill From Israel

The United States imported 1,828,359 pounds of dill in 1993 (trade records do not clearly indicate whether the dill was fresh or dried). The major sources were India (68 percent), Pakistan (13.2 percent), Egypt (10 percent), Sweden (3.2 percent), and Turkey (2.5 percent). The United States is a net importer of dill. Israel produced about 520 metric tons (1,146,000 pounds) of dill in 1994 and exported about 46 metric tons of dill during the same period. Israel expects that it would export about 30 metric tons of dill to the United States within the next 3 to 5 years. Both producer prices and consumer prices would likely be unaffected by the importation of dill from Israel.

Lettuce From Israel

Total U.S. production of head, leaf, and romaine lettuce in 1993 was 3,756,350 metric tons (or 8,279 million pounds). There are approximately 2,660 producers of lettuce in the United States, about 97 percent of which are considered to be small entities according to SBA size standards.

The United States is a net exporter of lettuce. It imported 32,738,000 pounds of lettuce in 1993, mainly from Mexico and Canada, which together accounted for 99.2 percent of the imports. The United States exported 693,354,000 pounds of lettuce in 1993. Canada received approximately 82 percent of those exports, while the remaining destinations were highly varied.

Israel produced about 10 million pounds of insect-free lettuce, which is grown inside insect-proof screenhouses, during 1993. About 10 percent of the production is exported to Europe and the rest is consumed domestically. The amount of lettuce that would be exported to the United States is expected to be about 1,600,000 pounds, which represents less than 0.02 percent of U.S. production. This amount would not have a significant impact upon U.S. market supply. Additionally, the marketing target for this lettuce, both in Israel's domestic market as well as in the export market, is the ultra-orthodox religious community, members of which would not consume lettuce produced in any other way. Importation of this specialty product is not expected to compete with domestic production. Both producer prices and consumer prices would likely be unaffected by the importation of insect-free lettuce from Israel.

Radishes From the Netherlands

The United States produced about 122.4 million pounds of radishes in 1993. Radishes are produced on about 760 farms, all of which are considered to be small entities. The United States is a net importer of radishes and it imported 35,121,976 pounds of fresh and chilled (the proportion of fresh to chilled cannot be ascertained) radishes in 1993. Over 94 percent of these imported radishes came from Mexico and 5.5 percent from Canada.

The Netherlands currently produces about 68 million pounds of radishes. Exports are expected to increase in stages, from 1.1 million pounds in the first year, to 2.2 million pounds during the second year, to about 4.4 million pounds (about 3 percent of U.S. supply) the third year and thereafter. Exports of radishes are expected to be spread equally over a 12-month period, with no significant peak period.

Oca From New Zealand

There is no known commercial production of oca in the United States. Additionally, there is no record of oca imports into the United States. Oca is a specialty crop and only minor production is carried on in New Zealand. Most production occurs between the months of March and October. Annual production is about 110,000 pounds. Current oca exports from New Zealand to the rest of the world equal about 440 pounds. Allowing the importation of oca from New Zealand into the United States would provide additional choice to vegetable consumers.

Apricots, Peaches, Plums, and Nectarines From Zimbabwe

In 1993 the United States produced 87,430 metric tons (192.7 million pounds) of apricots on 3,353 farms; 1,130,00 metric tons (2,490.6 million pounds) of peaches on 19,106 farms; 182,395 metric tons (402 million pounds) of nectarines on 2,488 farms; and 176,710 metric tons (390 million pounds) of plums on 8,006 farms. About 98 percent of these farms are considered to be small entities according to SBA size standards.

The United States is a net exporter of all four of these commodities. Imports of these four commodities into the United States are largely from Chile, while most of the U.S. exports are destined for Canada, Mexico, Taiwan, Hong Kong, and the United Kingdom. Although relevant volume data is not available, the addition of Zimbabwe as a new trading partner in apricots, peaches, plums, and nectarines is unlikely to shift the favorable balance of trade that the United States currently enjoys for these four commodities.

Summary

The United States produces large amounts of grapes, cantaloupes, pears, papayas and radishes. The proposed importations of these and other listed commodities would likely increase supply. However, since potential imports would represent a very small proportion of the total domestic production of each product, no significant negative impact on U.S. producers is expected from such importations. Although increased supply generally results in lower prices, no information is currently available

about the magnitude of price responses to changes in supply. Overall, the benefits to consumers of any resulting price decline would likely outweigh the small losses to producers. Additionally, importation of oca and pak choi would increase the availability of new products. Both oca and pak choi have a limited market and are unlikely to compete with other products. Similarly, the Ya pears and cantaloupes proposed for importation are also unlikely to compete with other products. Ya pears are of different variety than any domestically produced pear, while cantaloupes from Brazil would be imported during the off season for U.S. cantaloupes. Other products such as basil and dill are very minor products. Some of these products are grown to supplement other farm income.

The aggregate economic impact of this proposed rule is expected to be positive. U.S. consumers would benefit from a greater availability of fruits and vegetables. U.S. importers would also benefit from a greater availability of fruits and vegetables to import.

The alternative to this proposed rule was to make no changes in the fruits and vegetables regulations. After consideration, we rejected this alternative since there was no pest risk reason to maintain the prohibitions on the affected produce.

This proposed rule contains no paperwork or recordkeeping requirements.

Executive Order 12778

This proposed rule would allow certain fruits and vegetables to be imported into the United States from certain parts of the world. If this proposed rule is adopted, State and local laws and regulations regarding the importation of fruits and vegetables under this rule would be preempted while the fruits and vegetables are in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public, and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this proposed rule. The assessment provides a basis for the conclusion that the importation of fruits and vegetables under the conditions specified in this proposed rule would not present a significant risk of introducing or disseminating plant pests and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. In addition, copies may be obtained by writing to the individuals listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant diseases and pests, Quarantine.

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, title 7, chapter III, of the Code of Federal Regulations would be amended as follows:

PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 would continue to read as follows:

Authority: 7 U.S.C. 150ee, 154, 161, 162, 167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 300.1, paragraph (a) would be revised to read as follows:

§ 300.1 Materials incorporated by reference.

(a) The Plant Protection and Quarantine Treatment Manual, which was reprinted on November 30, 1992, and includes all revisions through _____ 1995, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

PART 319—FOREIGN QUARANTINE NOTICES

3. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, and 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

4. In § 319.56–2t, the table would be amended by adding, in alphabetical order, the following:

§ 319.56–2t Administrative instructions: conditions governing the entry of certain fruits and vegetables.

* * * * *

Country/Locality	Common name	Botanical name	Plant part(s)
*	*	*	*
Belize			
*	*	*	*
	Papaya	*Carica papaya*	Fruit (Must be accompanied by a phytosanitary certificate issued by the Belizean department of agriculture stating that the fruit originated in the district of Cayo, Corozal, or Orange Walk. Papayas from other districts enterable only with treatment—see § 319.56–2x). Prohibited entry into Hawaii due to *Toxotrypana curvicauda.* Cartons in which fruit is packed must be stamped ''Not for importation into or distribution within HI.''
*	*	*	*
Ecuador			
*	*	*	*
	Basil	*Ocimum* spp	Above ground parts.
*	*	*	*
El Salvador	Basil	*Ocimum* spp	Above ground parts.
*	*	*	*
Israel			
*	*	*	*
	Chives	*Allium schoenoprasum.*	Leaf.
	Dill	*Anethum graveolens.*	Above ground parts.
*	*	*	*
Jamaica			
*	*	*	*
	Pak choi	*Brassica chinensis*	Leaf and stem.
*	*	*	*
Netherlands	Radish	*Raphanus sativus*	Root.
New Zealand			
*	*	*	*
	Oca	*Oxalis tuberosa*	Tuber.
*	*	*	*

5. In § 319.56–2u, the section heading and would be revised and paragraph (a) would be added to read as follows:

§ 319.56–2u Conditions governing the entry of lettuce and peppers from Israel.

(a) Lettuce may be imported into the United States from Israel without fumigation for leafminers, thrips, and *Sminthuris viridis* only under the following conditions:

(1) *Growing conditions.* (i) The lettuce must be grown in insect-proof houses covered with 50 mesh screens, double self-closing doors, and hard walks (no soil) between the beds;

(ii) The lettuce must be grown in growing media that has been sterilized by steam or chemical means;

(iii) The lettuce must be inspected during its active growth phase and the inspection must be monitored by a representative of the Israeli Ministry of Agriculture;

(iv) The crop must be protected with sticky traps and prophylactic sprays approved for the crop by Israel;

(v) The lettuce must be moved to an insect-proof packing house at night in plastic containers covered by 50 mesh screens;

(vi) The lettuce must be packed in an insect-proof packing house, individually packed in transparent plastic bags, packed in cartons, placed on pallets, and then covered with shrink wrapping; and

(vii) The lettuce must be transported to the airport in a closed refrigerated truck for shipment to the United States.

(2) Each shipment of lettuce must be accompanied by a phytosanitary certificate issued by the Israeli Ministry of Agriculture stating that the conditions of paragraph (a)(1) of this section have been met.

* * * * *

6. In § 319.56–2x, paragraph (a) would be amended as follows:

a. In the table, in the entry for Israel, the entry for lettuce would be amended in the fourth column under the heading *Plant part(s)* by adding the words ''(Treatment for leafminers, thrips, and *Sminthuris viridis* not required if the

lettuce is imported in accordance with § 319.56–2u(a))'' after the word ''Leaf''.

b. The table would be amended by adding, in alphabetical order, the following:

§ 319.56–2x Administrative instructions; conditions governing the entry of certain fruits and vegetables for which treatment is required. (a) * * *

Country/Locality	Common name	Botanical name	Plant part(s)
*	*	*	* * * * *
Belize	Papaya	*Carica papaya*	Fruit (Treatment for Medfly not required for fruit grown in the districts of Cayo, Corozal, and Orange Walk - see § 319.56–2t). Papayas prohibited entry into Hawaii due to *Toxotrypana curvicauda.* Cartons in which fruit is packed must be stamped ''Not for importation into or distribution in HI''.
*	*	*	* * * * *
China	Litchi	*Litchi chinensis*	Fruit (Prohibited entry into Florida due to litchi rust mite. Cartons in which litchi are packed must be stamped ''Not for importation into or distribution in FL'').
*	*	*	* * * * *
India	Grapes	*Vitis* spp	Fruit.
	Litchi	*Litchi chinensis*	Fruit (Prohibited entry into Florida due to litchi rust mite. Cartons in which litchi are packed must be stamped ''Not for importation into or distribution in FL'').
*	*	*	* * * * *
Zimbabwe			
*	*	*	* * * * *
	Apricot	*Prunus armeniaca*	Fruit.
*	*	*	* * * * *
	Nectarine	*Prunus persica*	Fruit.
	Peach	*Prunus persica*	Fruit.
*	*	*	* * * * *
	Plum	*Prunus domestica*	Fruit.
*	*	*	* * * * *

§ 319.56–2aa [Amended]

7. In § 319.56–2aa, the section heading and the introductory text of the section would be amended by adding the words ''and cantaloupe'' after the word ''melons''; paragraph (a) would be amended by adding the words ''or cantaloupe'' after the word ''melons'' in the first sentence and both times it appears in the second sentence; paragraph (b) would be amended by adding the words ''or cantaloupe'' after the word ''melons''; and paragraph (c) would be amended by adding the words ''or cantaloupe'' after the word ''melons''.

8. A new § 319.56–2ee would be added to read as follows:

§ 319.56–2ee Administrative instructions: conditions governing the entry of Ya variety pears from China.

Ya variety pears may be imported into the United States from China only under the following conditions:

(a) *Growing and harvest conditions.* (1) The pears must have been grown by growers registered with the Chinese Ministry of Agriculture in an APHIS-approved export growing area in Hebei Province.

(2) Field inspections for signs of pest infestation must be conducted by the Chinese Ministry of Agriculture during the growing season.

(3) The registered growers shall be responsible for following the phytosanitary measures agreed upon by APHIS and the Chinese Ministry of Agriculture, including applying pesticides to reduce the pest population and bagging the pears on the trees to reduce the opportunity for pests to attack the fruit during the growing season. The bags must remain on the pears through the harvest and during their movement to the packing house.

(4) The packing houses in which the pears are prepared for exportation shall not be used for any fruit other than Ya variety pears from registered growers during the pear export season. The packing houses shall accept only those pears that are in intact bags as required by paragraph (a)(3) of this section. The pears must be loaded into containers at the packing house and the containers then sealed before movement to the port of export.

(b) *Treatment.* The pears must be cold treated for *Bactrocera dorsalis* in accordance with the Plant Protection and Quarantine Treatment Manual,

which is incorporated by reference at § 300.1 of this chapter.

(c) Each shipment of pears must be accompanied by a phytosanitary certificate issued by the Chinese Ministry of Agriculture stating that the conditions of paragraphs (a) and (b) of this section have been met.

Done in Washington, DC, this 18th day of May 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–12748 Filed 5–23–95; 8:45 am]

BILLING CODE 3410–34–P

7 CFR Part 354

[Docket No. 94–074–1]

RIN 0579–AA68

User Fees—Commercial Aircraft and Vessels; Phytosanitary Certificates

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the user fee regulations by lowering the fees charged for certain agricultural quarantine and inspection services we provide in connection with the arrival of an international commercial aircraft at a port in the customs territory of the United States. We are also proposing to amend the user fee regulations by raising the fees charged for export certification of plants and plant products. We have determined, based on a review of our user fees, that the fees must be adjusted to reflect the actual cost of providing these services. In addition, we are proposing to amend the user fee regulations to clarify the exemption for certain vessels which sail only between the United States and Canada.

DATES: Consideration will be given only to comments received on or before June 23, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–074–1, Regulatory Analysis and Development, PPD, APHIS, suite 3CO3, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–074–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: For information concerning program operations, contact Mr. Don Thompson, Staff Officer, Port Operations, PPQ, APHIS, 4700 River Road Unit 136, Riverdale, MD 20737–1236, (301) 734–8295.

For information concerning rate development, contact Ms. Donna Ford, PPQ User Fees Section Head, FSSB, BAD, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232, (301) 734–5901.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 354.3 (referred to below as the ''regulations'') contain provisions for the collection of user fees for certain international services provided by the Animal and Plant Health Inspection Service (APHIS). In this docket we are proposing to amend 2 user fees: (1) The user fee for servicing international commercial aircraft arriving at ports in the customs territory of the United States; and (2) the user fee for certifying plants and plant products for export. We are also proposing to clarify the exemption from user fees which applies to certain vessels which sail only between the United States and Canada. Each amendment is discussed separately below.

International Commercial Aircraft

One service our user fees cover is the cost of agricultural quarantine and inspection (AQI) services provided by APHIS in connection with the arrival of an international commercial aircraft at a port in the customs territory of the United States. (The customs territory of the United States is defined in the regulations as the 50 States, the District of Columbia, and Puerto Rico.)

The current user fee for international commercial aircraft became effective on January 1, 1993, following the publication of an interim rule in the **Federal Register** on December 31, 1992 (Docket No. 92–148–1, 57 FR 62468–62473). At that time the fee was set at $61.00. This fee was later affirmed in a document published in the **Federal Register** on November 9, 1993 (Docket No. 92–148–2, 58 FR 59354–59356).

As we have stated in previous proposed and final regulations, we intend to monitor our user fees and review them at least annually to determine whether the fees should be adjusted. After reviewing the fees that were collected in FY 1993 and FY 1994 and calculating our cost and revenue projections for FY 1995, we have determined that the fee for international commercial aircraft needs to be lowered from $61.00 to $53.00 for each arrival. This is necessary to avoid collecting more revenue than needed to cover the costs of the services we provide.

Calculation of User Fees for Commercial Aircraft

To calculate the adjusted user fees for commercial aircraft, we determined the total projected cost of providing AQI services in FY 1995 for international commercial aircraft. The cost of providing these services in FY 1993 and FY 1994 served as a basis for calculating our projected FY 1995 costs. It is important to note that each year in the budget process, Congress limits or specifies how much APHIS can withdraw from the AQI User Fee Account. For FY 1993, APHIS was authorized to spend $83.3 million. For FY 1994 we were authorized to spend $91.6 million, plus $6.9 million to cover additional AQI program needs.

In FY 1992, APHIS established accounting procedures to segregate AQI user fee program costs. We published a detailed description of these procedures in the **Federal Register** on December 31, 1992 (57 FR 62469–62471), as part of a document (Docket No. 92–148–1) amending some of our user fees.

As part of our accounting procedures, we established distinct accounting codes to record costs that can be directly related to each inspection activity. At the State level and below, the following costs are direct-charged to the AQI User Fee Account: Salaries and benefits for inspectors and canine officers, supervisors (such as officers-in-charge) and clerical staff, user-fee-specific equipment, contracts, and large supply items such as x-ray equipment or uniforms.

Other costs that cannot be directly charged to individual accounts are charged to ''distributable'' accounts established at the State level. The following types of costs are charged to distributable accounts: utilities, rent, telephone, vehicles, office supplies, etc. The costs in these distributable accounts are prorated (or distributed) among all the activities that benefit from the expense, based on the ratio of the costs that are directly charged to each activity divided by the total costs directly charged to each account at the field level. For example, if a State office performs work on domestic programs, AQI user fee programs, and AQI appropriated programs, the costs are distributed among each program, based on the percentage of the direct costs for that activity at the field level that is charged to that activity. Costs incurred at the regional, headquarters program staff, and agency-level support offices are also prorated to the separate AQI